

**MINUTES**  
**PROTECTION & WELFARE COMMITTEE**  
**Monday, April 22, 2013**  
**City Hall, Room 207**  
**5:00 p.m.**

**MEMBERS PRESENT:** Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane  
**MEMBERS EXCUSED:** None  
**MEMBERS ABSENT:** None  
**OTHERS PRESENT:** Jim Mueller—Asst. City Attorney, Capt. Galvin, Ald. Tom De Wane, Ald. Kocha, Nancy Quirk, Green Bay Water Utility; and other interested parties.

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane were present.

2. Approval of the Agenda.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the agenda. Motion carried.

3. Approval of the minutes from the April 8 and April 18, 2013 meetings.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to approve the minutes from the April 8 and April 18, 2013 meetings. Motion carried.

4. Request by the owner of JD's Bar, 715 S. Broadway, to hold outdoor events on June 1, July 27 and September 28.

Ald. Steuer opened the floor without objection.

Doug Dimmer, 1600 Amy Street, appeared and stated there will not be any outdoor music and he is aware the events must end at 10:00 p.m. The only access to the back area is through the bar.

There were no objections by the Law and Police Departments.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the request by the owner of JD's Bar, 715 S. Broadway, to hold outdoor events on June 1, July 27 and September 28. The approval of the request is subject to complaint. Motion carried.

5. Request by the owner of Jill's Bar, 613 Bodart, to hold outdoor events on June 24 and 29.

Ald. Steuer opened the floor without objection.

Ladd Nuss, 2727 East River Drive, appeared representing Jill's Bar and stated there will not be any outdoor music and the events will end at 10:00 p.m. The area in back will be fenced and security will be in place.

There were no objections by the Law and Police Departments.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to approve the request by the owner of Jill's Bar, 613 Bodart, to hold outdoor events on June 24 and 29. The approval of the request is subject to complaint. Motion carried.

6. Application for a "Class B" Combination License by Barry J. Fitzgerald at 1699 E. Mason Street. (Transfer from Carrie Laverdiere)

There were no objections by the Law and Police Departments.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application for a "Class B" Combination License by Barry J. Fitzgerald at 1699 E. Mason Street with the approval of proper authorities. (Transfer from Carrie Laverdiere) Motion carried.

7. Application for a "Class B" Combination License by Swobey's Hideout, LLC at 1263 E. Mason Street. (Transfer from Howard J. Johnston, LLC)

Atty. Mueller recommends denial based on the applicant's conviction record and failure to disclose this information on the application. The applicant, Edward Tushowski, has a 1998 misdemeanor conviction of disorderly conduct and a 1993 misdemeanor for exposing genitals and for exposing genitals to a child. These convictions and the failure to disclose them substantially relate to the licensed activity.

Capt. Galvin stated the Police Department has the same concerns.

Ald. Steuer opened the floor without objection.

Ed Tushowski, 1470 E. Mason Street, appeared and stated on the application he did report that he had misdemeanors, he just didn't go into detail on what they were for and he couldn't remember the dates of them. He explained the exposure charges were for urinating in public and that a child had witnessed this. He doesn't recall what the disorderly conduct charge was for. Since then he has

quit drinking and has been in the bar business for many years without any problems and has been managing Swobey's for over a year now.

Ald. Tom De Wane stated that he knows Mr. Tushowski and supports him. He made some mistakes in the past. He didn't try to expose himself to a child. He has been running Swobey's for a long time now and they have had only one complaint from a neighbor about the music.

Barry Fitzgerald, 902 S. Jackson Street, appeared and also stated he supports Mr. Tushowski. He frequents this tavern and stated it is one of the better establishments in the City and he has never seen Mr. Tushowski drink on the job and knows there haven't been any problems with the police.

Capt. Galvin confirmed that Swobey's Hideout has not attracted the attention of the Police Department.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to approve the application for a "Class B" Combination License by Swobey's Hideout, LLC at 1263 E. Mason Street with the approval of proper authorities. (Transfer from Howard J. Johnston, LLC) Motion carried.

8. Application for a "Class B" Combination License by Barley's Pub, LLC at 846 Lime Kiln Road. (Transfer from Tina Barlament, LLC)

The Law and Police Department had no objections.

Ald. Steuer opened the floor without objections.

Diane Barlament, 2842 Pioneer Drive, appeared and stated her husband owns the property, they are taking it back from his daughter who had been running it.

A motion was made by Ald. Tim De Wane and seconded by Ald. Brunette to approve the application for a "Class B" Combination License by Barley's Pub, LLC at 846 Lime Kiln Road with the approval of proper authorities. (Transfer from Tina Barlament, LLC) Motion carried.

9. Application for a "Class B" Combination License by Boyd Barsmith, LLC at 1542 University Avenue (Transfer from Kathy Broder).

The Law and Police Department had no objections.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to approve the application for a "Class B" Combination License by Boyd Barsmith, LLC at 1542 University Avenue with the approval of proper authorities. (Transfer from Kathy Broder). Motion carried.

10. Application by Big Mitch LLC to transfer his "Class B" Combination from 1332 S Broadway to 226 S. Broadway.

Atty. Mueller stated the applicant already has a liquor license; he just wants to move to another location. Atty. Mueller has been informed the applicant has been hospitalized and this has caused a delay in the application process. The applicant is still working on the Security Plan and it has not been approved at the Police Department. Atty. Mueller recommends approving the application contingent upon the Security Plan approval.

Capt. Galvin stated they are working on the Security Plan and he doesn't believe there will be any issues with it.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application by Big Mitch LLC to transfer his "Class B" Combination from 1332 S Broadway to 226 S. Broadway contingent on a Security Plan and stipulation being executed prior to the May 7 Common Council meeting and approval of proper authorities. Motion carried.

11. Notice of the change of agent for Fan-Addicts, Inc., 1647 Cass Street.

Atty. Mueller recommends denial based on the agent's arrest and conviction record. The following are all misdemeanors: 2007 intentionally pointing a firearm at a person, armed while intoxicated, bail jumping; 2006 battery and a second count of battery; 1998 battery; 1997 operating while intoxicated; and a felony charge in 1992 for entry into a locked dwelling.

Capt. Galvin stated the Community Police Officers have been unable to meet with this individual to discuss a Security Plan.

Bradd Steeno, 329 Deschane Place, appeared and stated he has owned this business since 1995. At that time he was advised not to be the agent. He was going through problems during a divorce. A girlfriend had been the agent in the past, but they recently broke up and she removed her name as the agent. He previously appeared before the Common Council to get back his bar and they didn't object. He has received anger and alcohol counseling. He doesn't drink while working. The bar has received only one citation since 2005 and that was for a smoking violation.

Ald. Brunette stated he feels very uncomfortable approving this because of the many issues Mr. Steeno has had. There also isn't an approved Security Plan in place. He would like to postpone this agenda item until a plan is in place and would also like Mr. Steeno to submit personal letters of recommendation from people in his life as well as from the anger management/alcohol counseling service.

Discussion that followed centered on if the bar can remain open without an acting agent. Atty. Mueller stated that his legal determination is the bar can remain open unless the Police Department submits a letter of disapproval to the City Clerk's office.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to postpone until the next Protection and Welfare Committee meeting the notice of the change of agent for Fan-Addicts, Inc., 1647 Cass Street in order to receive an approved Security Plan, Stipulation and letters of referral with the understanding that agent can operate the establishment in meantime, subject to the complaint of the Police Department. Motion carried.

12. Request by Ald. Nicholson, on behalf of Christine Delahut, to discuss neighborhood issues in the Mary Jo/Van Beek area.

Atty. Mueller reported that he has not heard from Ald. Nicholson and was informed by Ald. Tom De Wane that Ms. Delahut will not be appearing at this meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to receive and place on file the request by Ald. Nicholson, on behalf of Christine Delahut, to discuss neighborhood issues in the Mary Jo/Van Beek area. Motion carried.

13. Request by Randy Cartier to end fluoridation in the Green Bay water supply.

Atty. Mueller stated that the Law Department's position is to support the Green Bay Water Utility's (GBWU) position to keep fluoride in the City's water supply, but will defer to the expertise of the GBWU and Brown County Health Department's.

Ald. Steuer opened the floor without objection.

Randy Cartier, 460 Stella Vista, appeared and stated that fluoride is found in toothpaste and other means and it should be a personal choice to use fluoride, not a mandated one. He wants the resolution from 1957 to be re-examined. He has been studying the effects of fluoride for years and has concerns about the harm it does to the environment. Studies have shown fluoride creates health problems, and bi-products released into the water from industrial plants harm the fish.

Ald. Brunette inquired if Mr. Cartier objects to fluoride in the water supply in general or just for drinking purposes. Mr. Cartier responded he believes topical use is okay, but it shouldn't be ingested. Ald. Brunette asked if un-fluoridated water could be purchased in bottles, Mr. Cartier stated it could.

Brenda Standenmaier, 423 S Van Buren, appeared in support of removing fluoride from the water. She stated that you shouldn't give it to infants in their baby formula and doesn't believe that GBWU notifies the public of this. Ms. Standenmaier quoted statistics on how fluoride in the water supply creates diseases and harms health, especially to the poorer population. Studies have shown white spots occurring on the teeth of younger children from poor families are caused from fluoride. Tooth decay happens whether the water has fluoride in it or not. Filters for the home are very expensive.

Ald. Brunette stated numerous letters of support from many different health agencies have been received supporting the use of fluoride in the water supply. He inquired if there were any organizations that have successfully stopped this in other communities, or if there was any information or petitions that could be brought to the Common Council to support this item. He stated tonight's decision will be based on the information that has been brought forward and encouraged them to continue with their lobbying efforts.

Ms. Standenmaier believes the ordinance created in 1957 is because the aluminum industry found a correlation that came out that said that the natural occurring of fluoride in water where there are higher doses of chloride they had fewer cavities. So they used that as press release campaign to get rid of their industrial waste product that couldn't be released into air because farmers were suing in 1800s stating this waste was killing animals and plant life.

Atty. Mueller inquired if Ms. Standenmaier is aware if water naturally contains fluoride. She replied that it does, but doesn't believe it's a very high number. Atty. Mueller stated that if resolution ordinance were created regarding fluoride it would have to be very specific as to the amount, if any, of fluoride in the water supply.

Nancy Miller, 4689 Esther Lane, stated she is a dental hygienist and is here to represent the Wisconsin Dental Hygiene Association and their support of keeping fluoride in the water and its benefits to retaining healthy teeth. Water naturally contains a large amount of fluoride and the GBWU removes most of it from the water. White spots on teeth may be unsightly but they are not harmful. Poor countries have higher rates of tooth decay because they do not have public supplies of naturally fluoride water, salt and iodine is added instead. Poor people have the least access to dental care and are the population who would benefit the most by keeping fluoride in the water supply. It has been well researched by the government and studies show from a health perspective it is beneficial.

Steve Laslo, (address intelligible) appeared and stated he is a practicing dentist. He stated there is a mountain of evidence done by various groups including the Environmental Agency and the American Fluoride Association that show fluoride is beneficial and he would be willing to contact these agencies and have them send this documentation to the City.

Bill Nabak, 410 Stonehedge Road, appeared and stated he is employed by the GBWU. Mr. Nabak reported that in 1957 the City changed its water supply from ground water to receiving it from Lake Michigan. It went from 2 to 4 parts per million to 1 point, and removing fluoride is a very difficult process. The Center for Disease Control and the Environmental Agency lowered that ratio to .7 because scientific studies now show fluoride is now available in other forms as well. The City is very diligent in keeping up with studies and researches that are done on our water supply. Fluoride is added to the water at the treatment facility and it is stored in an isolated area away from the water supply.

Russ Hardwick, 3012 Sunshine Place, appeared and stated he is the Water Quality Manager. The GBWU does continuous monitoring of fluoride checks. They send the State their results along with water samples that the State checks as well. The results of the State have compared consistently to ours. There are generally one to two phone calls a year received at the GBWU requesting fluoride to be removed from the water.

Atty. Mueller stated this item was brought before the Green Bay Water Commission; however they do not have the legislative authority to create an ordinance regarding fluoride in our water. The Council retains that authority.

Nancy Quirk, 631 S. Adams Street, appeared and stated she is the General Manager at GBWU. Ms. Quirk distributed and discussed handouts. She reiterated that the GBWU follows fluoride guidelines and is committed to providing high quality water to the public. Ms. Quirk stated that Brown County health officials contacted her and stated they would not be able to make tonight's meeting; however they would be willing to attend another meeting to discuss the importance of fluoride in the water.

Ald. Brunette stated he would like to receive and place this item on file for the present unless data can be produced giving a reason fluoride should be removed. He encouraged those who sought removal to continue their efforts by starting an on-line petition or community group if they decided to bring this item back to this Committee.

Ald. Kocha appeared and stated she would like to see more than a petition; she would like to see scientific evidence proving why fluoride is bad for public consumption.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to receive and place on file the request by Randy Cartier to end fluoridation in the Green Bay water supply. Motion carried.

A motion was made by Ald. Brunette and seconded by Ald. Steuer to adjourn the meeting at 6:30 p.m. Motion carried.

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